



**MEMO ENDORSED**

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August 1, 2023

*via CM/ECF*

Honorable Jessica G.L. Clarke, U.S. District Judge  
 Daniel Patrick Moynihan  
 United States Courthouse  
 500 Pearl St.  
 New York, NY 10007-1312

**Re: *Jasper v. Danone N. Am. Pub. Benefit Corp.*, No. 1:23-cv-06219-JGLC**

Dear Judge Clarke,

Pursuant to Your Honor's Individual Rule 2.E, the parties in the above-referenced action respectfully request the Court: (1) set a briefing schedule for Defendant Danone North American Public Benefit Corporation's ("Danone") anticipated motion to dismiss the plaintiff's Complaint; and (2) adjourn the August 24, 2023 Initial Pretrial Conference until forty-five (45) days after the Court rules upon Danone's anticipated motion to dismiss.

1. Request to Set Briefing Schedule

On July 12, 2023, the Northern District of Illinois granted Danone's motion to transfer the instant action to the Southern District of Illinois (ECF No. 35) as it was related to an earlier-filed action in this District before Hon. Vincent L. Briccetti, *English v. Danone N. Am. Pub. Benefit Corp.*, No. 22-cv-5105 (VB) (S.D.N.Y. June 17, 2022), which was dismissed with prejudice on June 26, 2023. On July 19, 2023, the Northern District of Illinois effectuated transfer of the instant action to Your Honor. (ECF No. 37.)

Now that the case has been transferred, subject to the Court's agreement, the parties have discussed Danone's forthcoming motion to dismiss and a proposed briefing schedule as outlined below:

Motion to dismiss	September 8, 2023
Opposition	October 4, 2023
Reply in support	October 25, 2023

2. Request to Adjourn August 24, 2023 Case Management Conference

On July 25, 2023, the Court ordered the parties to confer pursuant to Federal Rule of Civil Procedure 26(f) and to prepare and submit a joint letter, proposed Case Management Plan, and Scheduling Order on or before August 17, 2023, as well as take part in an Initial Pretrial Conference on August 24, 2023 at 10:00 a.m. (ECF No. 39.) The parties have conferred and mutually determined that in the circumstances of this case, given that Danone intends to file a motion to dismiss the Complaint in its

entirety following the date on which the Initial Pretrial Conference would be held, the conference and a proposed discovery plan is premature at this stage, and therefore agree that in the interest of judicial efficiency and to preserve the parties' resources, deadlines to confer pursuant to Federal Rule of Civil Procedure 26(f) and submit a joint letter, proposed Case Management Plan, and Scheduling Order should be extended until forty-five (45) days after an answer is filed, if one ultimately is required. This adjournment is particularly warranted here since Judge Briccetti previously dismissed with prejudice the related earlier-filed *English* action.

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This is the first request for any extension of time in this action, and the parties' proposed briefing schedule and agreement to extend the deadlines for Rule 26(f) obligations and the Initial Pretrial Conference will affect the dates to submit a joint letter, proposed Case Management Plan, and Scheduling Order, but will not affect any other dates previously set by the Court.

Danone is available to discuss any questions about any aspect of this letter. We thank the Court for its time and consideration.

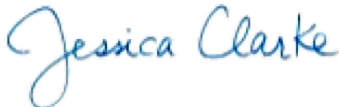
Respectfully submitted,

/s/ Keara M. Gordon  
Keara M. Gordon

cc: All Counsel of Record (via ECF)

Application GRANTED. The initial pretrial conference scheduled for August 24, 2023 is hereby adjourned. Defendant's motion to dismiss to be filed by **September 8, 2023**, Plaintiff's opposition to Defendant's motion to dismiss to be filed by **October 4, 2023** and Defendant's reply to Plaintiff's opposition to be filed by **October 25, 2023**.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge

Dated: August 1, 2023

New York, New York